

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

MAX PIEKKOLA,

Plaintiff, and

KARRI REYNOLDS,

Plaintiff Intervenor,

vs.

JOSH KLIMEK, Unit Manager, Mike Durfee State Prison, individual and official capacities;
TAMMY DEJONG, Unit Coordinator, Mike Durfee State Prison, individual and official capacities;
TRAVIS TJEERDSMA, Case Manager, Mike Durfee State Prison, individual and official capacities;
KELLY TJEERDSMA, Corporal, Mike Durfee State Prison, individual and official capacities;
DUSTIN TJEERDSMA, Correctional Officer, Mike Durfee State Prison, individual and official capacities;
LEE KAUFENBERG, Special Security Captain, Mike Durfee State Prison, individual and official capacities;
LYLE STOCK, Sergeant, Mike Durfee State Prison, individual and official capacities;
TAMMY DOYLE, Unit Manager at Mike Durfee State Prison, in her individual and official capacities; and
STEVE REYNOLDS, previous supervisor of the automotive program, Mike Durfee State Prison, individual and official capacities,

Defendants.

4:15-CV-04148-KES

ORDER ADOPTING REPORT AND
RECOMMENDATION AND GRANTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, AMENDED
MOTION FOR SUMMARY
JUDGMENT, AND SECOND MOTION
FOR SUMMARY JUDGMENT

Plaintiff, Max Piekkola, filed this lawsuit under 42 U.S.C. § 1983. Karrie Reynolds was allowed to intervene as a party in interest. The case was referred to Magistrate Judge Veronica Duffy under 28 U.S.C. § 636(b)(1)(B) for the purpose of conducting any necessary hearings, including evidentiary hearings.

On August 17, 2017, the magistrate judge submitted her report and recommended that defendants' motion for summary judgment and amended motion for summary judgment on the amended complaint be granted. Neither Piekkola nor Reynolds responded to the motion for summary judgment or the amended motion for summary judgment. Piekkola and Reynolds were notified in the report and recommendation that they had 14 days to file objections to the report. Even though no objections were filed that would require de novo review under *Thompson v. Nix*, 897 F.2d 356 (8th Cir. 1990), the court reviewed the matter de novo and finds that the magistrate judge's report and recommendation is adopted in full. Therefore, it is

ORDERED that:

1. The report and recommendation of the magistrate judge (Docket 76) is adopted in full.
2. Defendants' motion for summary judgment (Docket 44), amended motion for summary judgment (Docket 69) and second motion for

summary judgment (Docket 73) are granted. Judgment of dismissal with prejudice will be entered in favor of defendants.

Dated September 1, 2017.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE